IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11838 of 2005

Between:

K.Subrahmanyam, S/o.Radha Krishna,
R/o.Pedapadu Mandal, West Godavari Dist.

..... PETITIONER

AND

1 The Dy.Commissioner,

Endowments Dept., Kakinada.
2 The Asst.Commissioner,

Endowments Dept., Elluru.
3 The Manager Sri Jashi Subbaiah Choultry,

Pedapadu (V) &(M), W.Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the impugned, order of the 3rd respondent dated 15-04-2005 issued without notice to the petitioner in Form-I under Rule 5 (1) of the Andhra Pradesh Charitable and Hindu religious institutions and Endowments Act. 1989 (AP Act NO.30 of 1987) Consequently publishing the auction notice to hold auction on dated 07-06-2005 at 10A.M in an extent of Ac.3.77 cents covered by R.S.No.35 of Pedapadu village is without Jurisdiction, illegal, arbitrary, based, unconstitutional and against the principal of natural justice.

Counsel for the Petitioner: Smt. D.LALITHA PRASAD

Counsel for the Respondents No 1 & 2: GP FOR ENDOWMENTS

Counsel for the Respondent No. 3: None appeared.

The Court, at the stage of admission, made the following:

ORDER:

The petitioner assails the Form No-1 notice dated 15-04-2005 under Rule 5(1) of the rules under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for brevity, "the Act") issued by the 3rd respondent and the consequent action of the respondent in deciding to hold an auction on 07-06-2005 for leasehold rights of agricultural land in an extent of Ac.3.77 cents in R.S.No.35 of Pedapadu village and mandal, West Godavari District.

2. Admittedly, the lands belong to Sri Jashi Subbaiah Choultry, Pedapadu village, an endowment institution. The lease in favour of the petitioner stood terminated by the operation of Section 82 of the Act. In the circumstances, the impugned notice has been issued which merely intimates the petitioner as to the cancellation of the lease in his favour and calling upon him to hand over possession of the lands failing which, action would be initiated against him under the provisions of the Act, treating him as an encroacher. An identical issue was decided by this Court by its judgment dated 07-06-2005 in W.P.No.11852 of 2005.

3. The learned Government Pleader for Endowments admits that the issue in this Writ Petition is covered by the said judgment of this Court.

4. Accordingly, this Writ Petition is disposed of. A copy of the said judgment be appended to this order.

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(GODA RAGHURAM,J)

8th June, 2005.

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To

1 The Dy.Commissioner,

Endowments Dept., Kakinada.

2 The Asst.Commissioner,

Endowments Dept., Elluru.

3 The Manager Sri Jashi Subbaiah Choultry,

Pedapadu (V) &(M), W.Godavari District.

4 Two CCS to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

5 Two CD copies